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UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON TACOMA DIVISION

WILL CO. LTD. a limited liability company organized under the laws of Japan, Plaintiff,

VS.

KAM KEUNG FUNG, aka 馮 錦 強, aka FUNG KAM KEUNG, aka FUNG KAMKEUNG, aka KUENG FUNG, aka KEUNG KAM FUNG, aka KAM-KEUNG FUNG, aka KEVIN FUNG, an individual; FELLOW SHINE GROUP LIMITED, a foreign company, and DOES 1-20, d/b/a AVGLE.COM

Case No. 3:20-cv-05666-RSL

DECLARATION OF FRANK SCARDINO IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION

<u>DECLARATION OF FRANK SCARDINO IN SUPPORT OF DEFENDANTS'</u> MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION

I, Frank Scardino, declare and state as follows:

1. My name is Frank Scardino. I am over the age of 18 years. I am an associate attorney at Boston Law Group, PC, which is counsel to the Defendants with pending *pro hac vice* applications in the above captioned case. I am licensed to practice law in the Commonwealth of Massachusetts, and my bar number is 703911 in Massachusetts. I make this declaration based upon personal knowledge. All statements contained in this declaration are true and correct to the

best of my knowledge. If called as a witness, I could and would testify as to the facts set forth in this declaration.

- 2. On December 23, 2020, I visited a section of Cloudflare.com's website. The specific URL I visited was: https://www.cloudflare.com/about-overview/. A true and correct screenshot of a portion of this page is attached hereto as Exhibit A. This portion of Cloudflare's website reads, in part, "Anytime we push code, it automatically affects approximately 25 million Internet properties" and "We serve data from 200 cities in over 100 countries around the world."
- 3. On December 23, 2020, I visited a section of Cloudflare.com's website. The specific URL I visited was: https://www.cloudflare.com/network/. A true and correct PDF copy of this page is attached hereto as Exhibit B. This portion of Cloudflare's website list the cities in which Cloudflare operates a network site (*i.e.* a server). According to this page, Cloudflare has servers in the following Asian cities (without limitation) Tokyo, Hong Kong, Osaka, Taipei, Shanghai, and Guangzhou.
- 4. On December 23, 2020, I visited a section of histats.com's website. The specific URL I visited was: https://www.histats.com/?act=2. A true and correct PDF copy of this page is attached hereto as Exhibit C. This portion of histats.com's website describes histats' website features which include free tracking of website visitors. For instance, this page references the following features of histats: "Full Real time statistics," "IP tracking, visitors path, maximum detail on each single event on the site, advanced segmentation (IP, COUNTRY, CITY, REFERER, SEARCH ENGINE KEYWORD, ENTRY PAGE, VISITED PAGE, BOUNCED VISITORS, VISITORS HARDWARE, LANGUAGE, ...), segmentation filters can also be saved and loaded," and "100% FREE, No service limitations (up to 10 MILLIONS hits/day)."
- 5. On December 23, 2020, I visited histats.com's privacy policy page located at https://www.histats.com/?act=102. A true and correct screenshot PDF copy of this page is

1	attached hereto as Exhibit D. This page contains the following statement: "Histats.com website is
2	a part of Wisecode SRL, via cremasca 96, azzano san paolo, BG, Italy."
3	6. On December 23, 2020, I visited a Wikipedia page that provides a list of countries
4	in which English is the primary natively spoken language. The URL of this website is:
5	https://en.wikipedia.org/wiki/English-speaking_world and a true and correct PDF copy of this
6	page is attached hereto as Exhibit E. Countries included on this list are: Canada, Australia, New
7	Zealand, Ireland, Jamaica, Trinidad and Tobago, Guyana, The Bahamas, Belize, Grenada,
8	Barbados, the United States Virgin Islands, the Channel Islands, Antigua and Barbuda, Dominica
9	Bermuda, Saint Vincent and the Grenadines, the Isle of Man, the Turks and Caicos Islands, Saint
10	Kitts and Nevis, the Cayman Islands, Guam, Gibraltar, the British Virgin Islands, Anguilla, the
11	Falkland Islands, Montserrat, Saint Helena, Ascension and Tristan da Cunha, the British Indian
12	Ocean Territory, the Pitcairn Islands, and South Georgia and the South Sandwich Islands.
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14	I declare under penalty of perjury that the foregoing facts are true and correct.
15	Executed on December 23, 2020
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17	<u>/s/ Frank Scardino</u> Frank Scardino
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